



## Legislation Text

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**File #:** 21-0908, **Version:** 1

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Department of Transportation recommending the Board take the following actions pertaining to the Road Safety Improvement at Various Locations Project, Capital Improvement Program project number 72195/36105060, Contract 5415, with a construction cost of \$1,216,300:

- 1) Award the Construction Contract to American Civil Constructors West Coast LLC the lowest responsive, responsible bidder;
- 2) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval by County Counsel and Risk Management; and
- 3) Authorize the Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds.

**FUNDING:** Highway Safety Improvement Program (HSIP). (100%) (Federal Funds)

### **DEPARTMENT RECOMMENDATION**

Award and Sign Construction Contract with Lowest Responsive, Responsible Bidder:

On Friday, June 4, 2021 at 2:00 p.m., the Department of Transportation (Transportation), opened bids for the Road Safety Improvement at Various Locations Project (Project). Two Bids were received ranging from \$973,000 to \$1,274,000.

Transportation issued an All Bidders Letter on Friday, June 4, 2021, notifying the bidders of the recommendation to the Board for award of the contract to American Civil Constructors West Coast LLC (American Civil) and initiating the bid protest period. No bid protests were received.

Authorize the Director of Transportation (Director) to Sign Escrow Agreement:

Pursuant to Special Provisions Section 9-1.16F, "Retentions", Transportation will retain five percent (5%) of the value of work done from each Contractor payment (excluding mobilization payments) as security for the fulfillment of the Contract. Alternatively, Public Contract Code (PCC) Section 22300 provides that the Contractor may request that payment of retentions held be made directly to an Escrow Agent. The Contractor will receive the interest earned on the investment.

In accordance with these provisions, the Contractor may request in writing that the County make payment of retention funds directly into an escrow account, which would necessitate an Escrow Agreement. To help expedite this process, if requested by the Contractor, Transportation requests that the Board authorize the Director to execute the Escrow Agreement. Upon satisfactory completion of portions of the Contract and upon written notification from the Director, the Contractor will receive incremental releases from the Escrow Agent paid into the account and any interest earned thereon. A portion of the retention and interest will be retained in the escrow account until thirty-five (35) days after the recordation of the Notice of Acceptance of the Contract at which time, upon written notification, these funds will be released to the Contractor.

Contract Change Orders (CCOs):

In any contract there is a need to be able to make changes and the CCO process facilitates the

ability to make necessary changes when needed within a contract.

### *Contingency CCOs*

With construction contracts, there is an expectation that unanticipated changes will be encountered once construction begins. To prepare for this, a 10% contingency budget is set aside. PCC Section 20142 and Resolution 102-2012 authorize the Director to execute individual CCOs, the maximum value of \$61,150.00, which is based on the original contract amount with a not-to-exceed limit. This authority is also for a cumulative total of contingency CCOs not to exceed 10% of the original Contract value.

### **DISCUSSION / BACKGROUND**

The Project will consist of the removal of existing pavement striping and markers, installation of high friction surface treatment, new enhanced wet-night thermoplastic striping, raised pavement markers, and advanced warning signs. The high friction surface treatment will be applied at the following 15 locations: South Shingle Road at Silver Oaks Lane, South Shingle Road at Fernwood Drive, Cedar Ravine Road at Elysian Way, Forni Road and Ivy Trail, Sly Park Road at Mayflower Road, Forni Road at Wamego Road, Greenstone Road at Greenstone Cutoff, Meatty Drive at Alexandra Drive, Meder Road at Resler Way, Bucks Bar Road at Palace Lane, Cameron Park Road at Hacienda Road, Cedar Ravine Road at Camp Nauvoo Road, Cambridge Road at Knollwood Drive, Salmond Falls Road at Persia Lane, and Mother Load Drive at Ridge Drive. The Project duration is 35 working days.

Due to federal funding, both California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance are required. CEQA Notice of Exemption was filed on November 18, 2019. California Department of Transportation (Caltrans) NEPA for Categorical Exemption/Categorical Exclusion Determination was issued on December 13, 2019. No environmental permits were required for this Project.

A Caltrans Encroachment permit was required for this project. Transportation received an encroachment permit from Caltrans on March 25, 2021. No Right of Way was needed for this Project. A Right of Way Certification No.1 was issued on January 1, 2021

There are no utility conflicts or agreements for the Project.

The Department of Transportation (Transportation) has received federal funding authorization (E-76) for the construction phase of the Project.

The Contract Documents include all required federal provisions and incorporate the current Caltrans Disadvantaged Business Enterprise (DBE) requirements. The DBE goal is 8%.

The Project was approved for advertisement by the Board on May 11, 2021 (Item 8, Legistar 21-0655).

### **ALTERNATIVES**

- 1) Do not award the contract and direct Transportation to re-advertise for construction bids.
- 2) Cancel the Project.

### **PRIOR BOARD ACTION**

See Discussion/Background section above.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management reviewed and approved the Contract Documents for advertisement on April 13 2021.

### **CAO RECOMMENDATION**

Approve as recommended.

### **FINANCIAL IMPACT**

The Engineer's Estimate for the construction phase of the Project is \$1,216,300 which includes an estimated bid of \$973,000; construction management, survey, materials testing and design support during construction totaling \$146,000; contingency of \$97,300. The project is included in the Capital Improvement Program and funding is included in the Fiscal Year 2021-22 Budget. There is no Net County Cost impact associated with this recommendation.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Upon approval by County Counsel and Risk Management, Transportation will forward two (2) originals of the Construction Contract, together with the required bonds and insurance, and the approved Contract Routing Sheet to the Clerk for the Chair's signature.
- 2) The Clerk will forward one (1) fully executed Construction Contract to Transportation, attention of Brian Franklin, Office Engineer, for further processing.

### **STRATEGIC PLAN COMPONENT**

Infrastructure

### **CONTACT**

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Community Development Services, Department of Transportation